

REMARKS

Applicants thank the Examiner for the courtesy of the telephonic communications on December 8, 2005, December 13, 2005, and December 16, 2005 during which Attorney for Applicants discussed with the Examiner the outstanding Office Action dated September 1, 2005 and proposed claim amendments. The Examiner agreed to enter the proposed amendment which cancels the claims that are under rejection, thereby facilitating the application to proceed to issuance with the allowed claims. The Attorney for Applicants authorized the Examiner to charge the required extension fee for one month to the deposit account of the Attorneys for Applicants.

On March 1, 2006, Applicants telephoned the Examiner regarding the Examiner's Amendment. The Examiner indicated that a Notice of Allowance has been issued earlier in the week although the Notice of Allowance has not been recorded in the Patent Application Information Retrieval database. Absent any communication in writing from the United States Patent and Trademark Office, and in an abundance of caution, Applicants submit the present Amendment Under 37 C.F.R. 1.111 and a Petition for Extension of Time for three months with the requisite fees to avoid letting the application go abandoned by not acting in a timely manner. In the event that the claim amendment presented herein has already been entered by the Examiner and a Notice of Allowance has been mailed, Applicants request that the application be processed for allowance, the present Amendment Under 37 C.F.R. 1.111 and the Petition of Extension of Time for three months be discarded, and any excess fee be refunded to the deposit account of the Attorneys for Applicants.

Claims 2-25, 27-44 and 46-48 are pending. Applicants acknowledge their typographical errors on page 9 of the Amendment of August 3, 2005. Claims 8 and 9 were not cancelled but amended. As such claims 8 and 9 are still pending.

In the present Amendment, claims 27-44 and 48 are cancelled without prejudice. Applicants reserve the right to pursue the cancelled subject matters in one or more related patent applications.

Applicants note that the Examiner acknowledges in the Office Action dated September 1, 2005 that claims 2-25, 46 and 47 drawn to benzotropolone derivatives are allowable since the closest prior art of record fails to teach or fairly suggest the claimed compounds.

The Rejection Under 35 U.S.C. § 103 is Obviated

Claims 27-44 and 48 are rejected under 35 U.S.C. 103 as being anticipated by Goodsall et al. (U.S. Patent No. 6,482,450, the “450 patent”) and further in view of Goodsall et al. (U.S. Patent No. 6,113,965, the “965 patent.” Although Applicant does not agree and in no way acquiesces with the rejection, solely to expedite prosecution of the present application, claim claims 27-44 and 48 are cancelled. Since the rejected claims are cancelled, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In light of the above amendments and remarks, Applicants respectfully request that the Examiner process the application for allowance. The Examiner is invited to call the undersigned attorney, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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